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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,228	08/01/2001	Daniel J. Mendez	43630.00075	6520

7590

05/17/2004

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EXAMINER

GECKIL, MEHMET B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,228

Applicant(s)

MENDEZ ET AL

Examiner

Mehmet B. Geckil

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7-10. 6) ☐ Other: _____

1. Claims 35-40 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, Jr..
4. Chase Jr. (5,974,238) taught the invention substantially as claimed including a system for data synchronization between a handheld and a host computer connected via a network, the system comprising:
 - a) a first memory store (Figure 6A, element H (HANDHELD)) for storing elements (col 11, line 37 et seq and col 12, line 1 et seq));
 - b) a second memory store (desktop computer C) coupled via an electronic network (col 12, lines 9-11) to the first memory store for storing element copies (col 12, line 15 et seq);
 - c) an interface (213) for receiving new elements or changes at the first memory store (col 12, line 1 et seq); and

d) a general synchronization module (215,223) for electronically transmitting copies of the new elements or changes (col 13, line 8 et seq) via the electronic network to the second memory store (col 12, line 51 et seq; and col 13, lines 1-17.)

5. It would have been obvious to one of ordinary skill in the network synchronization art at the time of the invention that the claimed invention differed from the teachings of Chase Jr. only by a degree, e.g. in the claimed workspace elements. But this is no more than a difference in a degree because Chase Jr. also taught data elements (see col 12, line 15 et seq). Obviously, claimed workspace elements are an obvious variations of Chase Jr.'s data elements.

6. Claims 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boaz et al.

7. Boaz et al (5,333,266) taught a message handling system which included a synchronization means for synchronizing copies of the messages at the client (first memory) and at the server (second memory) in-baskets through an interface and a general synchronization module (see col 2, lines 53-68; col 3, line 1 et seq; col 4, lines 47-50; col 6, line 15 et seq; col 7, line 38 et seq; col 14, line 5 et seq; col 15, line 2 et seq; col 15, line 49 et seq; and col 18, line 1 et seq.) It would have been obvious to one of ordinary skill in the network synchronization art at the time of the invention that the claimed invention differed from the teachings of Boaz et al only by a degree, e.g. in the claimed copies of the changes language. But this is no more than a difference in a

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degree because changes is interpreted as new emails added to the in-basket and therefore it is an obvious variations of Boaz et al teachings. Also, applicant in the specification defines workspace elements as electronic mail. Therefore, workspace element synchronization comes to mean synchronizing email data at the client and at the server, i.e., synchronizing the mail baskets as taught by Boaz et al.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hawkins et al (6,006,274) taught a synchronization program on a portable computer waking up a peer synchronization program on the personal computer system for synchronizing the data on the laptop with the copies of the data on the personal computer system (see column 3 and also see column 5 for synchronization across a network.)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents

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P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

5/12/04

**MEHMET B. GECKIL
PRIMARY EXAMINER**

A handwritten signature in cursive script, reading "Mehmet Geckil".